

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

T00-0075

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Elgin, Joliet and Eastern Railway Company, hereinafter referred to as the "Company", the City of North Chicago, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with public highways known as 22nd Street and Morrow Avenue located in the City of North Chicago, Lake County, Illinois, designated as crossings DOT 260 473U, milepost 4.25-A and DOT 260 475H, milepost 4.40-A; respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and all other pertinent data relating to the crossings have been obtained and shown on Exhibits A and A-1, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

22nd Street

- a) the Company should remove the antiquated cantilever mounted automatic flashing light signals and gates and install new cantilever mounted automatic flashing light signals and gates with LED signal units, controlled by constant warning time circuitry;

Morrow Avenue

- a) the Company should remove the antiquated automatic flashing light signals and gates and install new automatic flashing light signals and gates with LED signal units, controlled by constant warning time circuitry;

Section 3 The Company has prepared preliminary estimates of cost which are attached as Exhibit B and B-1, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

22nd Street

- a) the cost to remove the existing warning devices and install new cantilever mounted automatic flashing light signals and gates estimated at \$188,246, should be allocated whereby the Department utilizing federal funding under TEA 21, should pay 70% of the actual project cost (\$131,772); the Grade Crossing Protection Fund (Fund) should bear 30% of said project cost, not to exceed \$56,474, with the Company bearing any remaining cost after payment from ISTE and the Fund, as well as all future operation and maintenance cost thereof;

Morrow Avenue

- a) the cost to remove the existing warning devices and install new automatic flashing light signals and gates estimated at \$144,896, should be allocated whereby the Department utilizing federal funding under TEA 21, should pay 70% of the actual project cost (\$101,427); the Fund should bear 30% of said project cost, not to exceed \$43,469, with the Company bearing any remaining cost after payment from ISTEa and the Fund, as well as all future operation and maintenance cost thereof;

Section 6 Special Provisions: Since federal funding is being utilized for the warning device improvements at the subject crossings, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvement at the subject crossings will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall file a written report with the Director of Processing within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of their portions of the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall within ninety (90) days of the date of Commission's Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

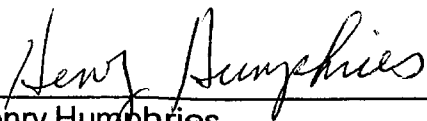
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 12th day of June, 2000.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 933 concerning improvements at the crossings of the Elgin, Joliet and Eastern Railway Company's track with public highways known as 22nd Street and Morrow Avenue located in the City of North Chicago, Lake County, Illinois, designated as crossings DOT 260 47³~~4~~U, milepost 4.25-A and DOT 260 475H, milepost 4.40-A; respectively.

Executed by the Department this 20th day of JULY 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

James C. Shifano
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 933 concerning improvements at the crossings of the Elgin, Joliet and Eastern Railway Company's track with public highways known as 22nd Street and Morrow Avenue located in the City of North Chicago, Lake County, Illinois, designated as crossings DOT 260 474U, milepost 4.25-A and DOT 260 475H, milepost 4.40-A; respectively.

Executed by the Company this 1st day of August 2000.

ELGIN, JOLIET AND EASTERN
RAILWAY COMPANY

By:

Dennis R. Gaud

Attest:

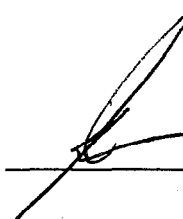
Maureen B. Blum

Illinois Commerce Commission Stipulated Agreement No. 933 concerning improvements at the crossings of the Elgin, Joliet and Eastern Railway Company's track with public highways known as 22nd Street and Morrow Avenue located in the City of North Chicago, Lake County, Illinois, designated as crossings DOT 260 474U, milepost 4.25-A and DOT 260 475H, milepost 4.40-A; respectively.

Executed by the City this 4th day of August 2000.

CITY OF NORTH CHICAGO

By:

 Jerry L. Johnson

Attest:

Catherine A. Collins



RR/Line EJ&E Milepost 4.25-A Inventory # 260 473U
City (I) N. Chicago Street 22nd Street County Lake
Jurisdiction Local Urban XX Rural Commercial Residential XX
Street Surface Asphalt Width 52' Condition Fair
Angle 75° Tracks Tangent No Degree of Curve 3° Superelevation 1"
Depth of Cut Height of Fill

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Rubber	78'	Fair

Intersecting Roads 170' Grove Street 120' Seymour
Traffic Control Devices Present None
ADT 17,600 Speed posted 35mph Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other _____
Rail Traffic: Ft. 4 @ 45 mph Pass. -- @ -- mph Switch _____
Simultaneous Movements No Daylight and Dark Yes
Present Protection Cant. AFLS

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

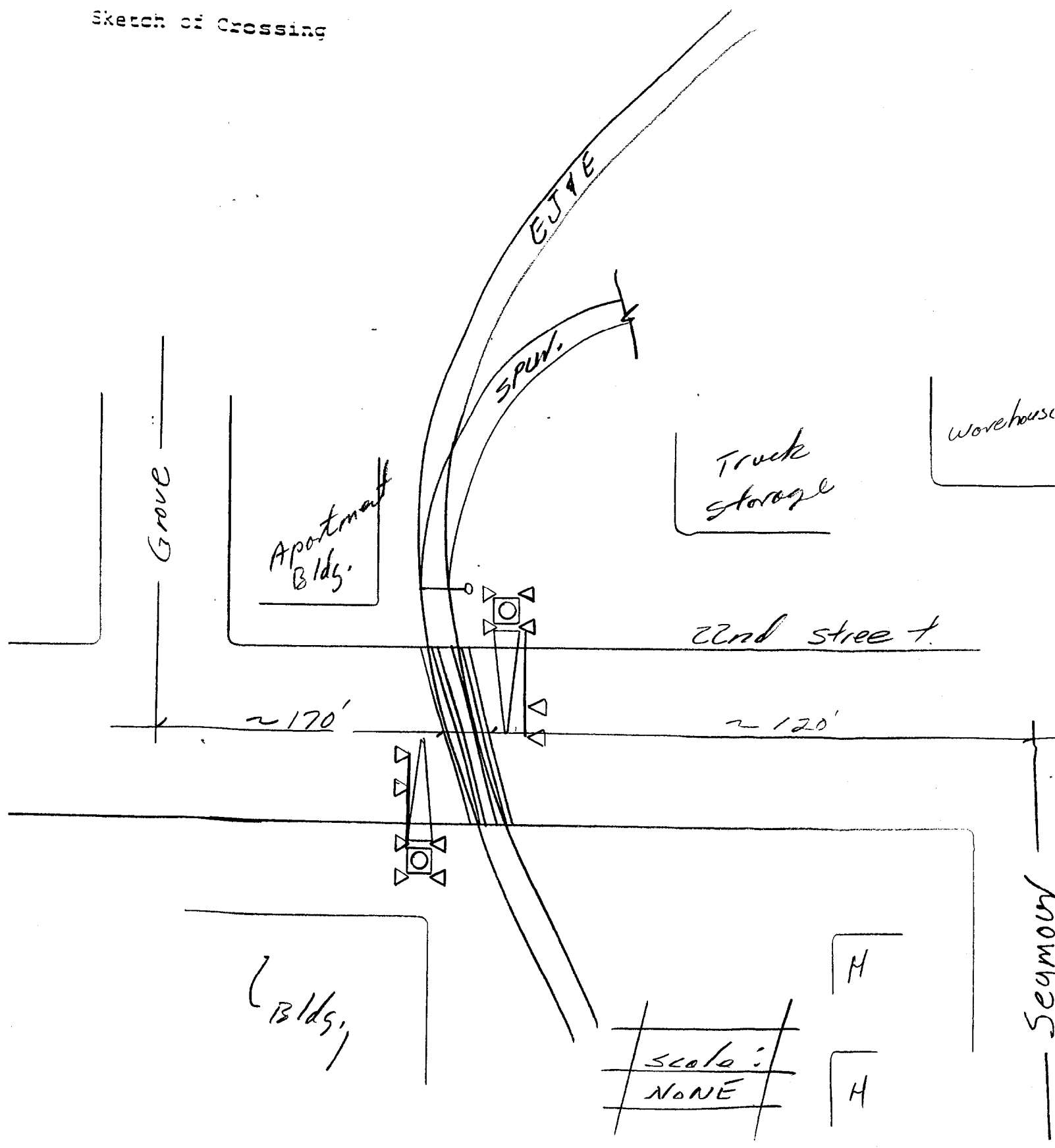
East	<u>Meets</u>	'	<u>92</u>	%	<u>Ill.</u>	'	<u>Adm.</u>	%	<u>Code</u>	'	<u>1535</u>	%
West	<u>"</u>	'	<u>"</u>	%	<u>"</u>	'	<u>"</u>	%	<u>"</u>	'	<u>"</u>	%

Comments: _____



Exhibit A
Page 1

Sketch of Crossing



scale:
NONE

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H

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line EJ&E Milepost 4.40-A Inventory # 260 475H
 City (I) N. Chicago Street Morrow Ave. County Lake
 Jurisdiction Local Urban XX Rural Commercial X Residential XX
 Street Surface Asphalt Width 34' Condition Fair
 Angle 60° Tracks Tangent No Degree of Curve 3° Superelevation 1"
 Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Concrete	57' +	Good
			plus		
			rubber	8'	
			filler	timber	
				ped walkways	

Intersecting Roads 55' Spaulding 300' Hervey

Traffic Control Devices Present None

ADT 4,309 Speed posted 35mph. Statewide Yes

Schoolbuses Yes Hazardous Materials Yes Other

Rail Traffic: Ft. 4 @ 45mph Pass. --@ -- mph Switch

Simultaneous Movements No Daylight and Dark Yes

Present Protection AFLS/Gates plus side lights

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

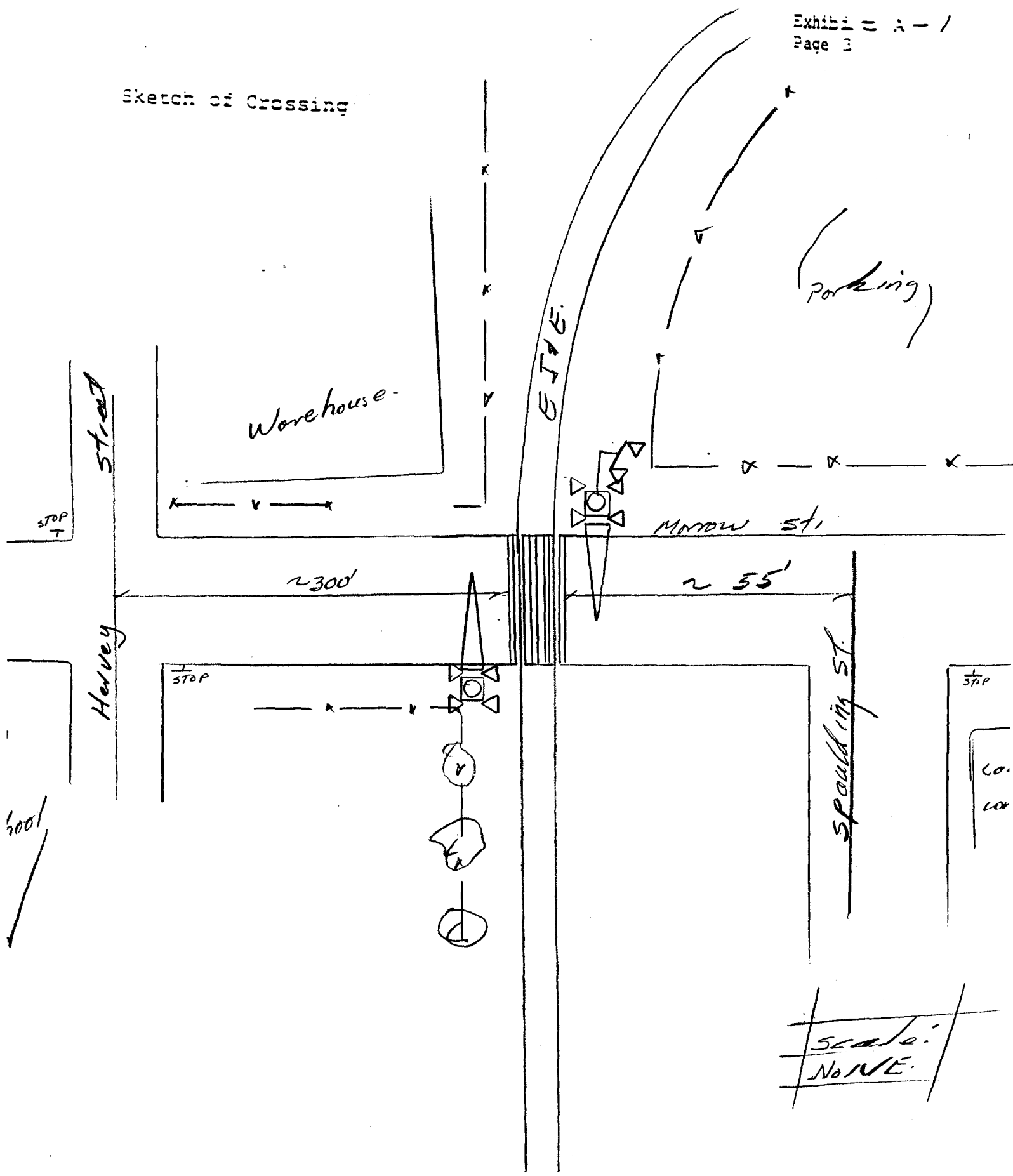
Approach Grades

East	<u>Meets</u>	'	<u>92</u>	%	<u>Ill.</u>	'	<u>Adm.</u>	%	<u>Code</u>	'	<u>1535</u>	%
West	<u>"</u>	'	<u>"</u>	%	<u>"</u>	'	<u>"</u>	%	<u>"</u>	'	<u>"</u>	%

Comments: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Sketch of Crossing



Scale:
No NE.



ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

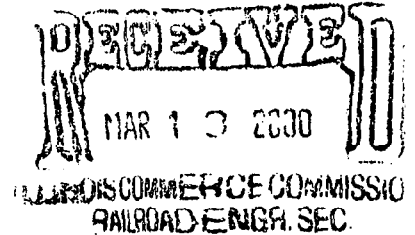
1 NORTH BUCHANAN STREET • GARY, INDIANA 46402

DENNIS R. OJARD, P.E.
CHIEF ENGINEER

219 / 883-4307 • FAX 219 / 883-4257

March 6, 2000

Mr. Michael E. Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 East Capitol Avenue
P. O. Box 19280
Springfield, Illinois 62794-9280



Dear Mr. Stead:

Please refer to my letters dated 1/14/00, 1/26/00, and 2/10/00, regarding crossing warning improvement. Enclosed are estimates and a schematics for the following crossings:

Recommended Year 2000:

Morrow Avenue
22nd Street - North Chicago

DOT 260475H
DOT 260473U

Sincerely,

D. R. Ojard, P. E.
Chief Engineer

DRO/gc
Attachments

cc: Thomas Myers - Illinois Commerce Commission
Henry Humphries - Illinois Commerce Commission
Delmer Powell - Lake County Division of Transportation
R. C. Baker - EJ&E
L. M. Diersen - B&LE
T. W. Hunter - EJ&E
R. A. Senffner - B&LE
M. S. Turner - EJ&E

DETAILED ESTIMATE

Name of Carrier: Elgin Joliet and Eastern Railway Company	Date 2/15/00	Page 1 of 1
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Description and Location of Project:

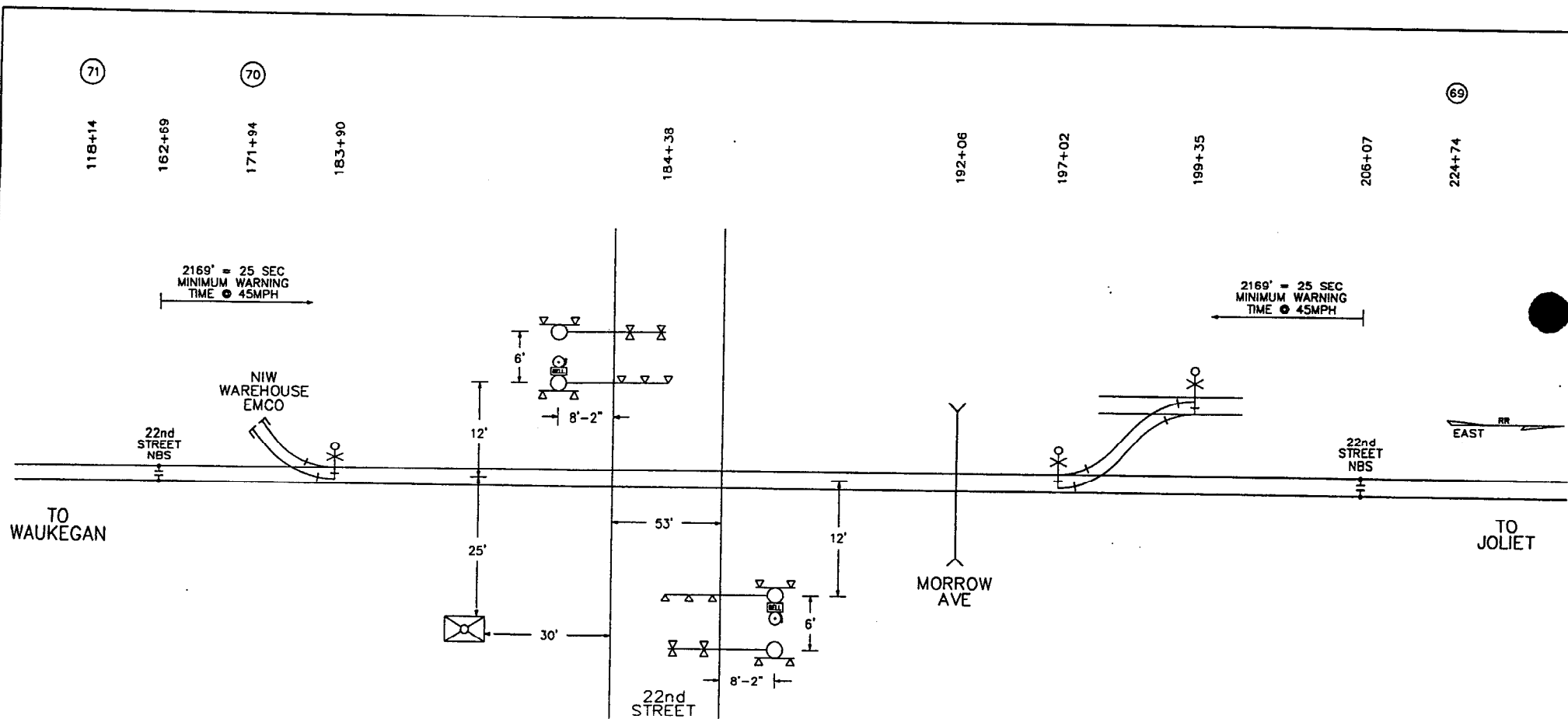
Install New Cantilevers, Gates and Flashing Lights at 22nd Street, North Chicago, IL
AAR/DOT #260 473U, Milepost 69.75

LOCATION North Chicago

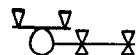
Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
Crossing Warning System Package with Bungalow, 2 Gate Mechanisms, 2 Cantilevers, LED Lights, GCP, Crossing Controller, Crossing Recorder, 2 Gates and Associated Equipment.	lot	1	\$85,000	\$85,000		
Cantilever Foundations	ea.	2	2,500	5,000		
Signal Cable 2/C #6 awg - Twist Track	ft.	1,000	1.00	1,000		
Signal Cable 5/C #6 awg - Gate	ft.	1,000	4.70	4,700		
Signal Cable 12/C #9 awg - Gate	ft.	1,000	6.00	6,000		
Signal Cable 3/C #6 awg	ft.	1,000	3.50	3,500		
Power Cable 3/C #2 awg	ft.	500	5.00	2,500		
Power Service	lot	1	3,000	3,000		
4" Ridge Conduit	ft.	100	10.00	1,000		
Miscellaneous Material	lot	1	5,000	5,000		
Subtotal Material				116,700		
Add 11% for Handling				12,837		
TOTAL MATERIAL				129,537		\$129,537
<u>Labor</u>						
Signalman	mh	1,000	19.00		\$19,000	
Signal Foreman	mh	200	21.50		4,300	
Electrical Labor - Lead Linemen	mh	120	21.50		2,580	
Engineering and Accounting	lot	1	3,500		3,500	
Subtotal Labor					29,380	
Add Fringe (.76)					22,329	
TOTAL LABOR					51,709	51,709
Equipment Rental	lot	1	7,000	7,000		7,000

Net Project Expenditure

\$188,246Figured By: R. A. Senffner



LEGEND



28' CANTILEVER



6'x6' POWER COAT BUNGALOW



MODEL 40 GATE
MECHANISM WITH
GATE ARM - 32'



MULTI FREQUENCY NARROW BAND SHUNT

		ELGIN, JOLIET & EASTERN RAILWAY COMPANY	
		22nd STREET NORTH CHICAGO, ILLINOIS NEW CROSSING CONTROL PROTECTION	
DRAWING SERVICES BROOKVILLE, PA. 19008 SCALE: 1"=40'	DESIGNED BY: J. L. BENTLEY IN CHARGE OF: J. L. BENTLEY	DRAWN BY: J. L. BENTLEY DATE: 12/28/88	PROJECT NO.:
NO. DESCRIPTION BY DATE	1. 2. 3. 4. 5. 6. 7. 8. 9. 10.		

EXHIBIT
PAGE 3

AAR\DOT# 260 473U

DETAILED ESTIMATE

Name of Carrier: Elgin Joliet and Eastern Railway Company	Date 2/15/00	Page 1 of 1
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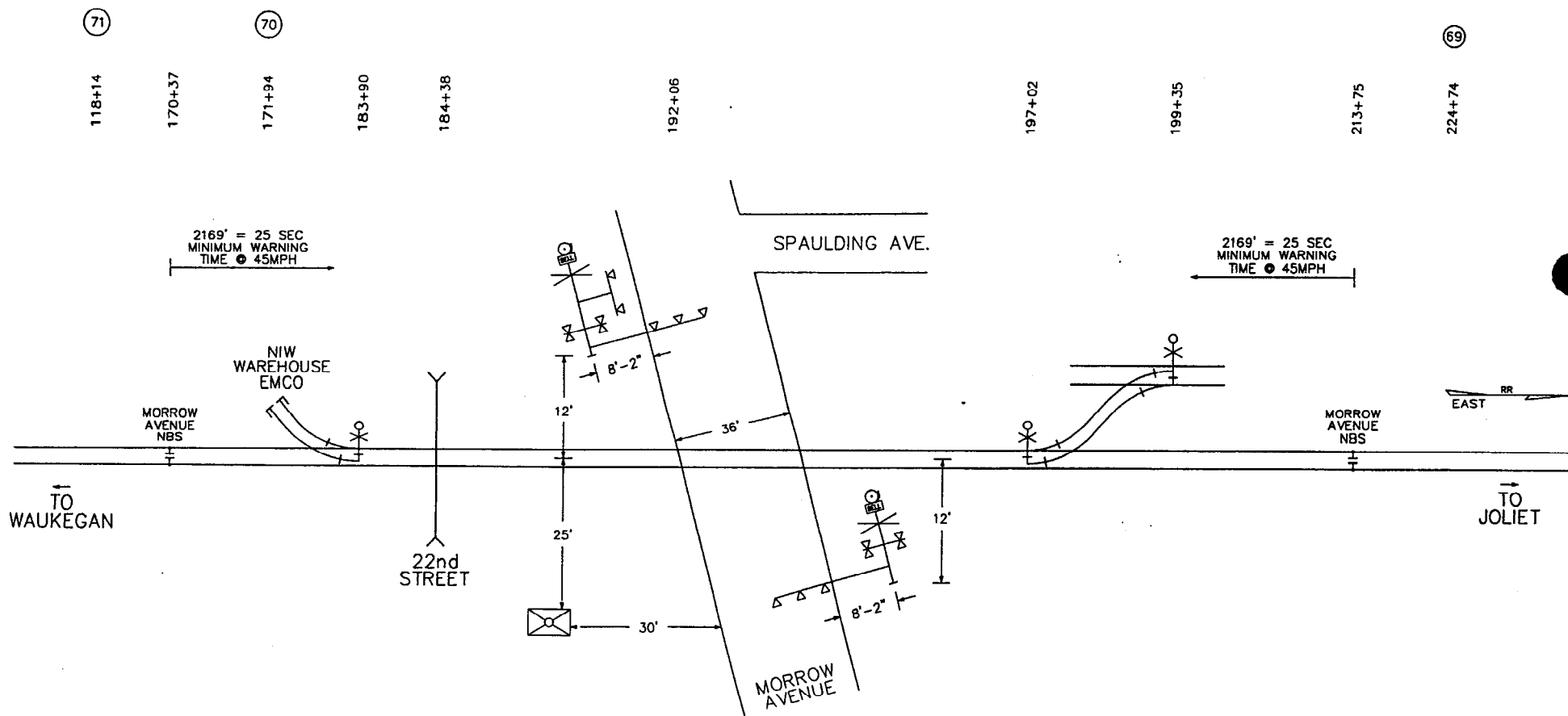
Description and Location of Project:

Install a New Crossing Warning System at Morrow Avenue, North Chicago, IL
AAR/DOT #260 475H, Milepost 69.69.

LOCATION North Chicago

Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
Crossing Warning System Package with Bungalow, Two Gate Mechanisms, Two Gates, LED Lights, GCP, Crossing Controller, Crossing Recorder, and Associated Equipment.	lot	1	\$65,000	\$65,000		
Signal Cable 2/C #6 awg - Twist Track	ft.	1,000	1.00	1,000		
Signal Cable 5/C #6 awg - Gate	ft.	1,000	4.70	4,700		
Signal Cable 12/C #9 awg	ft.	1,000	6.00	6,000		
Power Cable 3/C #2 awg	ft.	500	5.00	2,500		
Power Service	lot	1	3,000	3,000		
4" Ridge Conduit	ft.	100	10.00	1,000		
Miscellaneous Material	lot	1	5,000	5,000		
Subtotal Material				88,200		
Add 11% for Handling				9,702		
TOTAL MATERIAL				97,902		\$97,902
<u>Labor</u>						
Signalman	mh	800	19.00		\$15,200	
Signal Foreman	mh	120	21.50		2,580	
Electrical Labor - Lead Linemen	mh	120	21.50		2,580	
Engineering and Accounting	lot	1	3,500		3,500	
Subtotal Labor					23,860	
Add Fringe (.76)					18,134	
TOTAL LABOR					41,994	41,994
Equipment Rental	lot	1	5,000	5,000		5,000
Net Project Expenditure						<u>\$144,896</u>

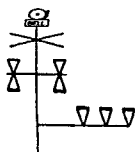
Figured By: R. A. Senffner



LEGEND



6'x6' POWER COAT BUNGALOW



MODEL 40 GATE
MECHANISM WITH
23' GATE ARM



MULTI FREQUENCY NARROW BAND SHUNT

EXHIBIT B-1
PAGE 2

AAR\DOT# 260 475H

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775		776		777		778	
779		780		781		782	
783		784		785		786	
787		788		789		790	
791		792		793		794	
795		796		797		798	
799		800		801		802	
803		804		805		806	
807		808		809		810	
811		812		813		814	
815		816		817		818	
819		820		821		822	
823		824		825		826	
827		828		829		830	
831		832		833		834	
835							